

ORDINANCE NO. O-060109P

AN ORDINANCE ESTABLISHING REQUIREMENTS RELATING TO COMPLETENESS DETERMINATIONS FOR PLAT AND DEVELOPMENT APPLICATIONS; PROVIDING FOR PROCEDURES; AMENDING THE SUBDIVISION ORDINANCE TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL APPLY TO APPLICATIONS FOR PLAT APPROVAL; PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Aurora, Texas is a Type A General Law Municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City desires to adopt the provisions of completeness determination requirements resulting from the enactment of Senate Bill 848 relating to vesting of development applications; and

WHEREAS, the City Council has held a public hearing on the regulations contained herein below, as required by law;

SECTION 1.

That the Subdivision Ordinance is amended by the addition of an article which shall be and read as follows:

CHAPTER THREE

Section 3.21 Requirements for Completeness Determination

- A. Every application for approval of a preliminary plat or final plat or development plan shall be subject to a determination of completeness by the City Administrator
- B. No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this ordinance. For a determination of completeness to be issued, an application must include the following:
 - 1. A City approved Concept Plan; and
 - 2. A completed application form signed by the owner or the owner's authorized agent; and
 - 3. Every item, study and document required by the Subdivision Ordinance for the type of plat being submitted, or required for a development plan; and
 - 4. A non-refundable application submittal fee, as specified in the fee schedule
- C. The City Engineer may from time to time identify additional requirements for a complete application that are not contained within by are consistent with the application contents and standards set forth in the Subdivision Ordinance

- D. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance.

Section 3.22 Determination of Completeness; Expiration

- A. Not later than the tenth business day after the date an application is submitted, the City Administrator shall make a written determination that all information and documents required by this Subdivision Ordinance for the type of plat being submitted have been submitted. A determination that the application is incomplete shall be mailed to the application within such time period by United States Certified Mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information is not submitted within 45 days after the date the application was submitted.
- B. An application for approval of a preliminary or final plat filed on or after the effective date of this ordinance shall be deemed complete on the 11th business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided in subsection D.
- C. The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.
- D. An application for preliminary or final plat approval shall be deemed to expire on the 45th day after the application is submitted to the City Administrator's Office for processing if the applicant fails to provide documents or other information necessary to meet the requirements of the Subdivision Ordinance as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Thereafter, a new application for approval of the preliminary plat or final plat must be submitted.
- E. No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

SECTION 2.

The application fee for an application completeness review shall be \$500.00

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City and the subdivision ordinances as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such

ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

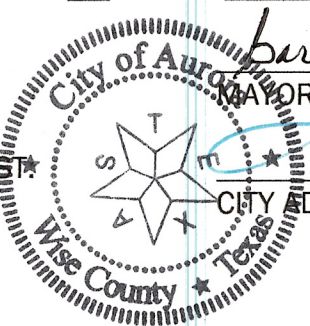
SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause, or phrase.

SECTION 5.

This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

PASSED AND APPROVED ON THIS THE 5TH DAY OF JUNE, 2006.

ATTEST:  Barbara Brammer
MAYOR
[Signature]
CITY ADMINISTRATOR/SECRETARY